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ABSTRACT

Implications of recent developments in refugee outflow from Indochina demand a reexamination of American policy on Indochinese refugees. These developments include patterns of increased Vietnamese and Laotian refugee outflow despite Vietnam's disapproval of departure and Laos' liberalizing economic policies; the greater influx of "low risk" or "economic" refugees, versus "bona fide" refugees fleeing persecution; and the return of many Khmer refugees to Cambodia. The cause of these new developments is a group of factors in complex interaction: the "push" effect of poor economic conditions in the refugees' countries; American and United Nations' efforts to prevent refugee push-off from first asylum countries; concomitant American reluctance to strain resources of, and its relations with, Southeast Asian first asylum countries; consequent accelerated third country resettlement; American decisions to continue programs and consider all refugees "bona fide" in the absence of viable alternatives; and American policy seeking a return of most Khmer refugees to Cambodia. Inability to recognize the complex interplay of these factors has reduced the refugee issue to one of political persecution, thus encouraging more hardened American and European attitudes toward Vietnam and Laos, and the outpouring of enormous amounts in aid to Indochinese refugees at the expense of Khmer and needier refugees elsewhere. A more rational American refugee and immigration policy requires greater understanding of the complex implications and consequences of current policy.
(Author/MJL)

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A New Look at America's Refugee Policy

Astri Suhrke

Turmoil in Indochina has caused over one million people to flee their homelands in the past five years. A U.S. policy of sympathy and humanitarian assistance has been vital to alleviate the suffering of these homeless Indochinese. The United States should continue to assist Indochinese refugees for many years to come. However, few efforts have been made to analyze dispassionately the ramifications of present refugee policy. This study suggests the need for an informed debate on this complex and little-understood problem.

"The clearest indication of the bankruptcy of the policies that Hanoi is following," Assistant Secretary of State Richard Holbrooke told a Congressional committee in May, "is the large number of people who continue to seek the opportunity to leave Vietnam and other Indochinese nations where Vietnamese policies are being implemented." Developments in the exodus from Indochina, however, indicate that other factors are involved as well.

Recently there have been some marked but little publicized changes in the Indochinese refugee flow. First, the outflow from Vietnam has again increased since late 1979 even though the government no longer condones departures, and the number leaving Laos has not decreased despite recent liberalizing changes in the government's economic policies. Second, the composition of the refugee flow from these countries has altered to consist principally of what American admission criteria label "low-risk" refugees. Third, many of the Khmer who were concentrated on the Thai-Kampuchean border have moved back into Kampuchea, while those in holding centers in Thailand are being processed for resettlement in third countries at an accelerated pace.

These developments highlight some troublesome aspects of American policy towards Indochina and Indochinese refugees:

- Current refugee programs were established to meet earlier crises (notably the massive exodus of ethnic Chinese leaving Vietnam from late 1978 to mid-1979). The programs have since acquired self-perpetuating characteristics and encourage a continuous outflow from Laos and Vietnam that increasingly resembles a migration rather than a refugee flow.
- Worry within the U.S. government that the refugee program may have developed into an assisted migration process tends to be shunted aside because there are no easy alternatives but to continue present programs. In order to maintain domestic and international support for these programs, the official American view, therefore, is that people leaving Laos and Vietnam remain *bona fide* refugees, i.e. fleeing persecution. The side-effect—whether intended or not—is a further hardening of American and European attitudes toward the Lao and Vietnamese governments.
- In Kampuchea, by contrast, American policy seeks a

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Worry within the U.S. government that the refugee program may have developed into an assisted migration process tends to be shunted aside because there are no easy alternatives.

change of the Vietnamese-backed Heng Samrin government, and expects most Khmer to go back to populate the country. This possibly helps explain why Kampuchean refugees are not generally accepted into the resettlement stream.

- Failure to recognize the complex factors behind the persistent outflow from Laos and Vietnam distorts consideration of alternate or supplementary international responses to the problem, including increased assistance for economic rehabilitation of these two states.
- The international attention given to the Indochinese refugees—with the United States in the forefront—has led to a situation where about half of the entire budget for the United Nations High Commissioner for Refugees (UNHCR) in 1979 was absorbed by the Indochinese program (not including emergency relief for displaced Khmer). Both in absolute terms and on a per capita basis, there was less assistance available for often needier refugees elsewhere, notably in Africa which long has had an enormous refugee problem.

From Crisis to Program

The early wave of refugees from Indochina—including the 1975 evacuation of 130,000 people—was followed by a relatively small U.S. program to assist what in most cases were persons who fled because they had been associated with previous regimes or the American involvement during the war. However, in mid-1978, the refugee flow suddenly swelled as Vietnam encouraged, or facilitated, the departure of tens of thousands of ethnic Chinese (Hoa). Following China's invasion of Vietnam in early 1979, the exodus of refugees exploded as Hanoi began putting pressure on the ethnic Chinese in northern Vietnam.

As the ethnic Chinese descended upon the shores of neighboring Asian countries, the United States took the lead in marshalling a massive international assistance program. Some of this was also channeled via the UNHCR to China, which received about 260,000 ethnic Chinese from Vietnam

There was little question at the time that the ethnic Chinese, and probably most of those in the previous outflow from Indochina, were *bona fide* refugees according to the definition of "refugee" in the 1951 United Nations Convention and as incorporated in current American refugee legislation: they had a "well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion."

But the assistance program established in mid-1979—including better camp conditions, greater international protection against "push off" from first asylum areas, and a rapid rate of resettlement to third countries—has opened up opportunities for broad segments of the population in Laos and Vietnam to leave their countries, albeit often under difficult and dangerous circumstances. Except for "land Vietnamese" and Khmer, all Indochinese who reach a UNHCR-designated camp are automatically bestowed refugee status and entered into the resettlement process. There is no case-by-case screening to determine if the definition of "refugee" applies in individual cases, although in theory such screening is standard procedure and was once attempted by the UNHCR and the Thai government in 1977. [In a different case,individual screening was initially required by American authorities for Haitians seeking first asylum in Florida.]

Liberal registration procedures, improved camp conditions, and a resettlement rate climbing to a monthly average of about 20,000 in late 1979, all act as "pull" factors for dissatisfied Indochinese. These developments have served to sustain a high outflow rate from Laos during the last two years—averaging over 5,000 registered arrivals monthly—and partly explain the upswing of arrivals from Vietnam since late 1979, now equivalent to twice the level in 1977 (see Figure 1).

It is highly questionable, however, if recent arrivals in fact qualify as "refugees" to the extent that earlier waves did. According to the State Department, most of those now leaving Vietnam are ethnic Vietnamese. The outflow of ethnic Chinese was reduced to a trickle after Vietnam officially started prohibiting departures in the second half of 1979. Moreover, a majority do not have close relatives in the United States, and had no clear ties with the previous regimes or American programs during the war. Analysis of over 32,000 cases in the initial phase of processing for entry into the United States in March-April this year revealed that 66 percent lacked these characteristics, and hence were put in the residual category of "other" in the American preference criteria for admission.

Equity Dilemmas

Some American refugee officials privately recognize that many Lao and Vietnamese arrivals would more appropriately be labeled "economic refugees" or "illegal immigrants," which is the official designation

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used by the first asylum countries in Southeast Asia. Much of the third world's population would probably also seek to emigrate in a similar fashion if they were given international assistance and resettlement opportunities of the kind accorded the Vietnamese and Lao.

FIGURE I

*Indochinese Refugees: Arrivals in First Asylum Areas**

	Total	*Monthly Average*	*Jan.-July*	*Monthly Average*
1976				
boat	5,248	437		
land	29,630	2,469		
1977				
boat	15,657	1,305		
land	30,866	2,572		
1978				
boat	85,544	7,129		
land	59,189	4,932		
1979				
boat	205,560	17,130	178,640	25,520
land	64,610	5,384	51,330	7,332
1980				
boat			45,264	6,466
land			51,160**	7,308

** Does not include those in China or the "new Khmer" who arrived in Thailand after October 1, 1979.*

*** Does not include the 6,000 "new Khmer" who were moved into the resettlement stream in July, 1980 and appear in U.S. figures for first asylum arrivals.*

Source: UNHCR and U.S. Department of State.
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The dilemma posed by the selective preference given to Vietnamese and Lao is highlighted by attempts to flush out ethnic Thais who try to enter the refugee camps in Thailand. Since the northeastern Thai are ethnically quite similar to the lowland Lao, and have a long history of economic deprivation and conflict with the central government, a number of them have tried to pose as "refugees" to get assisted migration to the United States. Refugee workers in camps in the Northeast estimated that around 10 percent of the camp population there consists of ethnic Thais. American processing officials have devised sophisticated tests to detect an ethnic Thai from a Lao.

There are also marked inconsistencies within the program for the Indochinese. Vietnamese who arrive in Thailand by crossing through Kampuchea rather than attempting the voyage across the South China Sea, have not so far been given refugee status and permitted into the resettlement stream. At present there are 2,000 to 3,000 of these "land Vietnamese" in a Thai army supervised camp ("Northeast 9"), but the anticipated large-scale land flow has not materialized, partly because of the dim prospects for resettlement.

In the case of the Khmer refugees moving into Thailand, a restrictive policy has been adopted since the beginning of the large influx in mid-1979. A limited number (around 160,000) were placed in UNHCR-supervised holding centers, but general registration for possible resettlement was deliberately delayed. Thai government policy prohibited further movement of people from the disorganized border concentrations into the holding centers. As of mid-1980, many of the half million Khmer once concentrated on the border had gradually moved back into Kampuchea, leaving perhaps 50,000 to 100,000. Simultaneously, processing was accelerated in the holding centers after the June efforts at repatriation failed. The United States, Canada and France are currently resettling Khmer from the Khao I Dang holding center. The United states is so far limiting its program to Khmer with family or employment ties to the United States, and is expected to take about 12,000 by the end of October.

"Push" Factors

Most Khmer were never given the choice made available to the Lao and the "boat people" from Vietnam, even though political and economic conditions within Kampuchea suggest that if humanitarian considerations alone determined refugee policy, first preference should be given to the Khmer.

For the Lao and the Vietnamese, continued difficulties at home help to make the alternative of leaving an attractive one. In Laos, economic problems appear to be a major reason for the persistent outflow of lowland Lao. Partly in recognition of this problem, the Lao government recently halted collectivization of farms, acknowledging that it had committed some mistakes in the initial phases. The government has also raised the purchasing price of rice and liberalized trade with Thailand as well as inter-provincial trade. Against these reforms are the realities of an economic

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infrastructure that has been totally disrupted by years of warfare, and a general poverty level that a 1979 World Bank report characterized as representing probably the lowest GNP per capita in the world (around $60 annually). By comparison, Thailand's northeast region—while the poorest area of Thailand—was estimated to have a GNP per capita twice that in Laos.

The Thai-Lao border is almost impossible to police, and the close ethnic links between the northeastern Thai and the Lao are further strengthened by frequent family relations. As a result, it is not surprising that Thailand attracts a large number of lowland Lao, many of whom do not register as refugees and hence are not included in the official arrival rates. The refugee program has, however, given added support and legitimacy to this flow, in that international protection and camps (providing housing, food and medical facilities that often surpass local standards) are available for those trying to register.

Some lowland Lao also cross into Thailand to recuperate from the fighting with the government forces, and make use of the medical facilities in the refugee camps. It is openly acknowledged that the camps for the Hmong (Meo) often serve as *de facto* sanctuaries for continued warfare against Lao and Vietnamese forces. This is also a reason why many Hmong are not particularly interested in resettlement in a distant country. As one American official said, "Vang Pao [former commander of the CIA-financed Hmong army now living in Montana] has probably told them to stay put and prepare for his return."

In the main Hmong camp, Ban Vinai in Loei province, refugee officials estimate a "no show" rate of around 40 percent. The rate is the proportion of refugees who have registered for resettlement in third countries, have been processed and presumably are ready to go, but do not show up when the buses come to take them to the transit camp. In these cases, the decision to sign up for resettlement is mainly an effort to avoid tempting the Thai authorities to send people back to Laos.

Uncertainty about the wisdom of resettlement is also evident among the lowland Lao, especially among the farming population. In the camp at Ubon Ratchathani, which receives many farmers from Laos' southern panhandle, American refugee officials report a "no show" rate of around 25 percent. Also in Nong Khai, which no longer has a predominantly middle-class refugee population, officials now report growing hesitancy about the resettlement option, and some hope among the refugees that they may return to Laos under favorable conditions or simply remain in Thailand.

The group that is crucial to reconstruction and development in Laos—the educated and skilled—is the least likely to want to return. Those who had served in the previous regime may be regarded as "reactionaries." But future administrative cadres will be recruited from the younger, educated generation, and the refugee program may well tempt this group to emigrate as a short-cut to upward mobility. Two recent examples are of interest. One Lao high-school graduate in the Nong Khai camp said he fled because he did not do well at school and felt his future career prospects in Laos were not very bright. His classmate was also in the camp because, he claimed, he had done so well in school that the government was going to send him to Hanoi for further training, and he did not want to go.

Some statistical data recently released by the State Department suggests that these two cases are not isolated, but may represent a broader trend. Of all the Indochinese refugees admitted into the United States between August, 1977 and January, 1979, 44.5 percent were under 18 years of age. Obviously teenagers are very mobile.

One possible implication is that Laos may increasingly depend on Vietnam for administrative cadre if the younger generation continues to leave at a very high rate. That prospect is hardly welcomed either in Vientiane, or in Bangkok, Washington, and Beijing.

The Vietnamese government continues to maintain that those who flee Vietnam are generally "undesirables," but the lack of control over which groups are leaving is a matter of concern. This is one reason why negotiations over an "orderly departure" program have not made much progress. The Vietnamese authorities present one list (apparently including many ethnic Chinese), while the main recipient country, the United States, presents a list confined to those with close family ties or previous association with the United States.

According to recent State Department information, economic grievances are frequently cited also by Vietnamese refugees as a reason for leaving. In mid-1979, a UNHCR official in Hanoi estimated that 80 percent of those requesting help in leaving the country cited unemployment, a difficult economic situation, and food shortages. 1980 arrivals complain about high prices, low income and frequent shortages of basic goods. Non-economic factors include principally the highly unpopular conscription of southerners for duty in Kampuchea.

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The economic outlook for the immediate future remains bleak. Shortage of skilled manpower and foreign exchange, according to an unpublished 1979 World Bank report, remain critical constraints on economic rehabilitation and growth. The continuing war in Kampuchea and conflict with China create further economic strains. The level of production on a per capita basis is probably no higher than what it was 40 years ago, yielding an estimated GNP per capita of $160, which is one of the lowest in the third world.

Shifting a Population

Given these "pull" and "push" factors, there is no reason to expect that the outflow from Laos and Vietnam will markedly slow down in the near future. The magnitude of this population shift is indicated in by Figures II and III. So far, over 800,000 have been resettled. Although an average of 23,000 a month were resettled during the first half of 1980, the steady stream of new arrivals produced only a slow attrition of the camp population in first asylum areas.

FIGURE II

Indochinese Refugees: Resettlement Flow as of July 31, 1980

To the United States:	
Evacuated to the U.S. in 1975	130,000
Resettled in the U.S. from first asylum areas 1975-August, 1977	15,567
Resettled in the U.S. August, 1977-July, 1980	243,235
subtotal	388,802
To China:	
Directly from Vietnam (approx.)	263,000
From first asylum areas (mainly Hmong from Thailand)	2,554
subtotal	265,554
To other countries	212,177
Total resettled as of July 31, 1980	866,533

Source: U.S. Department of State.

This kind of population shift has broad political and humanitarian implications which go beyond the immediate impulse to assist the refugees.

UNHCR expenditures for Indochinese refugees in 1979 totalled $134.4 million (not including a $10 million program in Laos and Vietnam, or the emergency relief for Kampuchea and displaced Khmer). This was equivalent to almost half of the UNHCR's total budget. The program for Africa was only allotted $74.1 million in the same year. That was at a time when estimates of the number of African refugees ranged from 2 to 3.5 million persons, not including the subsequent massive influx of Somalis from Ethiopia into Somalia. For 1980, UNHCR estimates its Africa program will increase to $148 million, and the Indochina program to $162 million (reducing its total budget share to 34 percent).

FIGURE III

Indochinese Refugees: Current Trends in Camp Population and Departure Rates

	1980			
	January	*February*	*June*	*July*
Departures for third countries	27,160	25,646	21,181	22,314
Current camp population*	263,860	243,216	234,892	232,606

**Does not include approximately 160,000 Khmer in holding centers in Thailand.*

Source: U.S. Department of State.

The cost of a continued large Indochinese program thus raises some questions about the global resource allocations for refugees. Humanitarian concern may be equally if not more pressing elsewhere.

American Policy

American support for rapid resettlement of refugees arriving in Southeast Asia reflects two major policy objectives. First, it is feared that a cumulative refugee population would severely strain the first asylum countries, cause domestic instability (particularly in Thailand and Malaysia), and possibly jeopardize American relations with the ASEAN (Association of

"One humanitarian consideration is surely to widen the range of choice for the potential refugee, including that of not leaving."

Southeast Asian Nations) states which are the closest allies of the United States in the region. Second, if the camp population is not drawn down, the ASEAN countries could again resort to "push off," with the consequent human suffering that was publicized in early 1979.

While the ASEAN governments have demanded international assistance and rapid resettlement, they are also worried about the "pull" effects of current programs. They resent the cost of refugees and question the precedent of granting liberal first asylum. The ASEAN states are not parties to the 1951 UN refugee convention and its 1967 protocol, possibly because they expect that otherwise sundry groups might seek asylum, given the considerable potential for internal ethnic and socio-economic strife in the region. Moreover, the refugee program has tended to legitimize the principle that ethnic groups which could not, or would not, be integrated in their country of residence (the ethnic Chinese in Vietnam or the Hmong in Laos) have a right to seek settlement elsewhere. The ASEAN governments preside over multi-ethnic states and are generally committed to contrary principles.

American officials recognize the contradictory sentiments in official ASEAN circles. Privately, some also readily admit that there is a growing number of "economic refugees" among recent arrivals. However, information to that effect has not been publicized. The official position is that a distinction between "economic" and "political" refugees cannot be applied to the Lao and Vietnamese.

There are possibly several reasons for this posture. One is that there has been little prodding from Congress and pressure groups to question the premises of American policy towards Indochinese refugees generally. Internal Administration debate consequently has been limited. The outline of a broader public debate, sparked by the arrival of Haitians and Cubans this year, soon disappeared and, at any rate, did not extend to the Indochinese.

Reluctance to question the refugee program may partly stem from fear of being accused of not being "humanitarian." American policy since World War II has been to regard persons who leave Communist countries *ipso facto* as refugees, based on the assumption that the act of leaving is a political protest which would lead to "persecution" if the person(s) were returned, and in recognition of the propaganda advantage to be gained by showing that people reject Communist rule by "voting with their feet." In the case of Indochina, there is also a feeling, as expressed in a 1979 *Foreign Policy* article, that a liberal refugee policy will help to "transcend the trauma" of previous American involvement in that region.

For some American officials dealing with Indochinese refugees, the assistance program appears to be the last phase, if not the continuation, of the American war effort. Some of these officials previously served in Indochina and have a strong personal commitment to help Indochinese wanting to leave the new order. For instance, the three main American officials in charge of refugee affairs in Malaysia in early 1980 were all airlifted out of Saigon during the 1975 evacuation. In Bangkok, the refugee office attached to the U.S. Embassy claimed its American personnel represented a total of 67 years of work experience in Laos prior to the Communist victory. The head of the office took some well-known personal initiatives in moving people out of Saigon in 1975.

"What Else Can We Do?"

Other American officials simply say, "What else can we do?" As long as the people keep arriving and refuse to be repatriated, and the first asylum countries do not want them on a permanent basis, it is argued, the United States has no realistic choice but to accept them as rapidly as possible. The bottom line, according to this view, is domestic tolerance of a continuous influx of 14,000 refugees per month. Attempts not to strain this tolerance partly account for restrictions on the Khmer and the "land Vietnamese."

One alternative—which is not considered realistic—is to support a case-by-case screening to determine if the definition of "refugee" (according to the UN convention and the US 1980 Refugee Act) does apply in individual cases. This alternative was considered by the UNHCR and the Thai government with respect to Lao refugees in 1977, but American refugee officials in Bangkok successfully protested.

The main problem with a screening mechanism, of course, is that those defined as "illegal immigrants" or "economic refugees" would probably have to be returned to their country of origin. This would require a modicum of agreement with Laos and Vietnam, and quite possibly some assistance to facilitate a procedure of orderly return. Last year, Thailand and Laos signed an agreement to repatriate refugees in cooperation with the UNHCR. Lao officials claim that 7,000 refugees have returned home informally in recent years. No comparable agreements have yet been signed with Vietnam.

Public support for refugee assistance can best be served by a fuller awareness of the broader ramifications and consequences of current policy.

The refugee program probably reinforces American antagonism towards Laos and Vietnam. The sustained outflow of Lao and Vietnamese would seem to prove that the Vientiane and Hanoi governments are engaged in widespread "persecution" of their citizens. The reasons for the present outflow are in reality much more complex, as indicated above.

Official recognition of the complexity, moreover, could undermine domestic and international support for the program, particularly if the needs of refugees elsewhere were compared to those of some Indochinese. The official American posture, as expressed in Administration testimonies to Congress, is that the Indochinese are indeed refugees. It is indicative that American refugee officials in Thailand hand visitors a package of "refugee profiles," all of which detail cases of political persecution.

Another response to the Indochinese problem would be to consider economic reconstruction and development programs, perhaps in connection with repatriation talks. For many lowland Lao who are not ready to be resettled, this might be an alternative which could make a substantial dent in the current camp population (lowland Lao constitute about one-fourth of the Indochinese presently in UNHCR camps). This might also reduce the future flow by helping to make life at home more easy. As one Thai observer noted, "One humanitarian consideration is surely to widen the range of choice for the potential refugee, including that of not leaving."

Some American refugee officials privately advocate this alternative as a long-term response to the problem. They note, however, that more powerful voices in the Administration consider American support for aid to Laos, and especially Vietnam, as "unrealistic" or "undesirable" at present, listing obstacles including Congressional restrictions and likely protest from the ASEAN countries and China.

There is a curious resemblance between the present American support for Indochinese refugees and the previous military involvement in that region. In both cases, policies developed despite considerable doubt about their wisdom and fear that existing programs were growing beyond control. Yet, doubts were muted by perceived costs of alternative actions, and strenuous efforts were made to justify current policies. Possibly, now—as then—domestic sentiment will vehemently swing the other way. The public debate on American refugee and immigration policy, foreshadowed earlier this year by the influx of Cubans and Haitians, may yet occur. The government could help to make that debate a rational one by recognizing the diverse and complex implications of U.S. refugee policy. In the long run, it would seem that public support for refugee assistance can best be served by a fuller awareness of the broader ramifications and consequences of current policy.

Publications

Booklet

A Guide for Helping Indochinese Refugees in the United States. 30 pages. 50¢ for a single copy, 25¢ each for ten or more copies.

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